

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

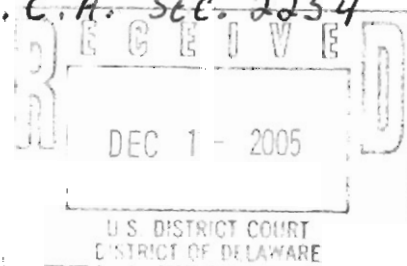
TYRONE PRINGLE,
PETITIONER,

CIVIL ACTION NO. 05-660-KAJ

V.

THOMAS CARROLL, WARDEN,
DELAWARE CORRECTIONAL CENTER,
AND M. JANE BRADY, ATTORNEY
GENERAL OF THE STATE OF
DELAWARE,

WRIT OF HABEAS CORPUS UNDER
28 U.S.C.A. SEC. 2254



RE: TRAVERSE TO ANSWER
FROM RESPONDENT.

IN THE STATES ANSWER TO PETITIONERS 2254,
STATE IS CONTENDING IN RESPONDENCE THAT
PETITIONER FAILED TO EXHAUST ALL STATE REMEDIES
WHICH WOULD BLOCK PETITIONER FROM PROCEEDING TO
FEDERAL DISTRICT COURT.

STATES CONTENTION REST ON PETITIONERS FAILING TO
FILE APPEAL TO STATE SUPREME COURT PRECEDING HIS
DENIAL OF TWO (2) SEPERATELY FILED STATE HABEAS
CORPUS PETITIONS, WHICH WERE SUBSEQUENTLY DENIED.
SEE EXHIBIT 1

PETITIONER AVERRES THAT STATE'S CLAIM IS INADEQUATE IN THAT STATE FAILED TO RESPOND TO PETITIONER, (I.E. LEGAL CORRESPONDENCE,) BY MAIL, REGARDING SUPERIOR COURT DECISION. THIS PRECLUDED PETITIONER FROM FILING A TIMELY APPEAL, PETITIONER REQUEST THAT THIS COURT RULE IN LENIENCY ON THIS MATTER SUA SPONTE.

1. THAT THE PETITIONER TOOK THE NECESSARY STEPS AND COMPLIED WITH THE REQUIREMENTS OF THE UNIFORM AGREEMENT ON DETAINERS, (U.A.D.). WHICH IS BASED ON SPEEDY TRIAL GROUNDS, INCLUDING THE SIGNING OF NECESSARY PAPERWORK FOR THE TEMPORARY TRANSFER TO THE STATE OF DELAWARE. STATE V. McDOWELL, 824 A.2d 948 (DEL. SUPER. CT. 2003), ALSO SEE, CARCHMAN V. NASH, (CITE AS: 473 U.S. 716)
2. AS A FACTUAL MATTER PETITIONERS CASE SHOULD HAVE BEEN DISPOSED OF WITHIN 180 DAYS OF THE SENDING STATE HAVING RECEIVED PROSECUTORS WRITTEN NOTICE OF PETITIONERS CUSTODY REQUEST. STATE V. Adolph Clayton, (CITE AS: 2001 WL 1729149 (DEL SUPER.)
SEE EXHIBIT 2
3. THAT THE STATES PUTTING OFF OF PETITIONERS SENTENCING FOR TWO MONTHS AFTER PETITIONER HAD TAKEN A GUILTY PLEA ON JANUARY 20, 2005, WHICH THE STATE KNEW OR SHOULD HAVE KNOWN WOULD EXCEED THE 180 DAYS TIME LIMITATION OF THE INTER STATE AGREEMENT ON DETAINERS, TO WHICH EXPIRED ON FEBRUARY 5, 2005, PETITIONERS SENTENCING WAS TO TAKE PLACE APRIL 1, 2005,

THAT THE PETITIONER WITHDREW HIS GUILTY PLEA AFTER THE VIOLATION OF THE, (INTER STATE AGREEMENT ON DETAINERS), BECAUSE THE PETITIONER DID NOT AGREE TO A TRIAL DATE OUTSIDE THE TIME LIMIT OF 180 DAYS. BRUCE V. STATE, 781 A.2d 544 (DEL. 2001).

4. THE COURT FINDS THAT THE STATES ARGUMENT THAT PETITIONER WAIVED HIS SPEEDY TRIAL RIGHTS BY ENTERING HIS GUILTY PLEA, FAILS. PETITIONERS CASE SHOULD BE DISMISSED WITH PREJUDICE. STATE V. ADOLPH CLAYTON (CITE AS: 2001 WL 1729149 DEL SUPER.)) ALSO SEE, NEW YORK V. HILL (CITE AS: 528 U.S. 110, 120 S.Ct. 659)
SEE EXHIBIT 3

DATE

NOVEMBER 29, 2005.

PETITIONER

Tyrone Pringle

TYRONE PRINGLE

SBI # 483541

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTYEXhibit #1Tyrone Pringle

Petitioner,

V.

Raphael Williams, Warden, MPCJF
Respondent.

Civil Action No. _____

DRAFT COPY

Petition For A Writ of Habeas Corpus

Petitioner, Tyrone Pringle, herewith requests that this honorable Court issue a Writ of Habeas Corpus to Raphael Williams, Warden, MPCJF to test the validity of his continued incarceration. Herewith, Petitioner asserts the following as facts and grounds supporting his cause:

I. Jurisdiction

1. The Superior Court has jurisdiction to issue a Writ of Habeas Corpus pursuant to 10 Del. C. SS. 6902.

II. Parties

2. The Petitioner, Tyrone Pringle, is currently incarcerated at the Multi-Purpose Criminal Justice Facility, 1301 E. 12th Street, Wilmington, DE.

3. Respondent, Raphael Williams, is Warden IV of the Multi-Purpose Criminal Justice Facility, and is the custodian of the Petitioner's detention.

III. Statement of Facts

4. (CASE # 33-02-3049) I'M A FEDERAL INMATE

HERE AT HOWARD R. YOUNG INSTITUTION ON A INNER STATE AGREEMENT. I FILED THE AGREEMENT APPROXIMATELY

5. ~~_____~~

IN AUGUST OF 2004, I'VE BEEN HERE AT H.R.Y. I →

6. OF THE AGREEMENT, THE STATE OF
DELAWARE HAD 180 DAYS TO PROSECUTE ME.

IV. Statement of Claim

6. A Writ of "Habeas Corpus" is extraordinary remedy issuable by trial court to inquire into legality of persons detained or under restraint of their liberty. In Interest of Stevens, 652 A2d 18, (1995). Purpose of writ of habeas corpus is to benefit prisoners, and writ is designed to accomplish speedy inquiry into allegedly unlawful detention through summary judicial proceeding. 10 Del C. ss6901.

7. Defendant asserts that his continued detention is illegal for the following reasons: I'VE BEEN DETAINED OVER THE
REQUIRED PERIOD, AND IM SEEKING
FOR A DISPOSITION OF TRIAL,
UNDER TITLE 11 SECTION 2542.

V. Relief Sought

8. WHEREFORE, Defendant prays that a Writ of Habeas Corpus be issued forthwith directed to Warden Raphael Williams, MPCJF, requiring him to produce the body of the defendant-petitioner before a Judge of the Superior Court, in and for New Castle County, together with the alleged grounds and the cause of this detention, so that the constitutionality and legality of his confinement and detention may be inquired into with respect to the laws of the State of Delaware and such other rights as guaranteed by the Constitution of Delaware and the United States. Upon deficiency, defendant prays for his immediate release from custody.

Respectfully,

Dated: 05-15-05

Tyrone Pringle
Petitioner
MPCJF
Box 9561
2Wilmington, DE 19809

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

Exhibit # 1

TYRONE PRINGLE

Petitioner,

v.

Raphael Williams, Warden, MPCJF
Respondent.

Civil Action No. _____

Petition For A Writ of Habeas Corpus

Petitioner, TYRONE PRINGLE, herewith requests that this honorable Court issue a Writ of Habeas Corpus to Raphael Williams, Warden, MPCJF to test the validity of his continued incarceration. Herewith, Petitioner asserts the following as facts and grounds supporting his cause:

I. Jurisdiction

1. The Superior Court has jurisdiction to issue a Writ of Habeas Corpus pursuant to 10 Del. C. SS. 6902.

II. Parties

2. The Petitioner, TYRONE PRINGLE, is currently incarcerated at the Multi-Purpose Criminal Justice Facility, 1301 E. 12th Street, Wilmington, DE.

3. Respondent, Raphael Williams, is Warden IV of the Multi-Purpose Criminal Justice Facility, and is the custodian of the Petitioner's detention.

III. Statement of Facts

(CASE #33-02-3049)

4. I'm A FEDERAL INMATE HERE AT HOWARD R.

YOUNG INSTITUTION ON A INNER STATE AGREEMENT.

I FILED THE AGREEMENT APPROX. THE LAST WEEK

5. OF August OF 2004, AND to my knowledge
OF THE AGREEMENT, THE STATE OF DELAWARE

6. OF THE AGREEMENT.

IV. Statement of Claim

6. A Writ of "Habeas Corpus" is extraordinary remedy issuable by trial court to inquire into legality of persons detained or under restraint of their liberty. In Interest of Stevens, 652 A2d 18, (1995). Purpose of writ of habeas corpus is to benefit prisoners, and writ is designed to accomplish speedy inquiry into allegedly unlawful detention through summary judicial proceeding. 10 Del C. ss6901.

7. Defendant asserts that his continued detention is illegal for the following reasons: I HAVE BEEN ILLEGALLY DETAINED OVER
THE REQUIRED PERIOD AND I'M SEEKING
FOR A DISPOSITION OF TRIAL.
(UNDER TITLE II SECTION 2542)

V. Relief Sought

8. WHEREFORE, Defendant prays that a Writ of Habeas Corpus be issued forthwith directed to Warden Raphael Williams, MPCJF, requiring him to produce the body of the defendant-petitioner before a Judge of the Superior Court, in and for New Castle County, together with the alleged grounds and the cause of this detention, so that the constitutionality and legality of his confinement and detention may be inquired into with respect to the laws of the State of Delaware and such other rights as guaranteed by the Constitution of Delaware and the United States. Upon deficiency, defendant prays for his immediate release from custody.

Respectfully,

Dated: 06-30-05

Tyrone Pingle
Petitioner
MPCJF
Box 9561
2Wilmington, DE 19809

Exhibit # 2

BP-S235.051 IAD - NOTICE OF UNTRIED INDICTMENT CDFRM

FEB 94

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Inmate: PRINGLE, Tyrone	Register No.: 04529-015	Institution: USP Lee County
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Pursuant to the Interstate Agreement on Detainers Act, you are hereby informed that the following are the untried indictments, informations, or complaints against you concerning which the undersigned has knowledge, and the source and contents of each.

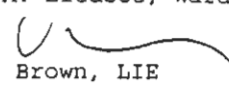
NEW CASTLE COUNTY SUPERIOR COURT, CAPIAS, BURGLARY (2 COUNTS), POSSESSION OF F/A; CONSPIRACY, THEFT, CRIMINAL IMPERSONATION (2 COUNTS), RESISTING ARREST, AND ESCAPE; OCA #U702008137

You are hereby further advised that by the provisions of said Agreement you have the right to request the appropriate prosecuting officer of the jurisdiction in which any such indictment, information or complaint is pending and the appropriate court that a final disposition be made thereof. You shall then be brought to trial within 180 days, unless extended pursuant to provisions of the Agreement. After you have caused to be delivered to said prosecuting officer and said court written notice of the place of your imprisonment and your said request, together with a certificate of the custodial authority as more fully set forth in said Agreement. However, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

Your request for final disposition will operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against you from the state to whose prosecuting official your request for final disposition is specifically directed. Your request will also be deemed to be a waiver of extradition to the state of trial to serve any sentence there imposed upon you, after completion of your term of imprisonment in this state. Your request will also constitute a consent by you to the production of your body in any court where your presence may be required in order to effectuate the purposes of Agreement on Detainer and a further consent voluntarily to be returned to the institution in which you are now confined.

Should you desire such a request for final disposition of any untried indictment, information or complaint, you are to notify the Inmate Systems Manager of the institution in which you are confined.

You are also advised that under provisions of said Agreement the prosecuting officer of a jurisdiction in which any such indictment, information or complaint is pending may institute proceedings to obtain a final disposition thereof. In such event, you may oppose the request that you be delivered to such prosecuting officer or court. You may request the Warden to disapprove any such request for your temporary custody but you cannot oppose delivery on the grounds that the Warden has not affirmatively consented to or ordered such delivery.

Dated 7-27-04	Name and Title of Custodial Authority: Harley G. Lappin, Director of Bureau of Prisons	By: B.A. Bledsoe, Warden  /S/ V. Brown, LIE
Dated 7/27/04	Inmate Signature TYRONE PRINGLE	

Original - Inmate, Copy - J&C, Copy - Central File (Section 1)

(This form may be replicated via WP)

Replaces BP-235(58) of OCT 88

Exhibit # 3

BP-S394.058 DETAINER ACTION LETTER CDFRM
SEP 03

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

To State of Delaware 0 Ronald Mullin, Chief State Detective Carvel State Building 820 North French Street Wilmington, DE 19801		Institution United States Penitentiary Lee County	
		Date July 26, 2004	
Case/Dkt# U702008137	Inmate's Name PRINGLE, Tyrone	Fed Reg No. 04529-015	DOB/SEX/RACE 1977020471/M/B
Aliases		Other No.	

The below checked paragraph relates to the above named inmate:

- ☐ This office is in receipt of the following report: _____. Will you please investigate this report and advise what disposition, if any, has been made of the case. If subject is wanted by your department and you wish a detainer placed, it will be necessary for you to forward a certified copy of your warrant to us along with a cover letter stating your desire to have it lodged as a detainer. If you have no further interest in the subject, please forward a letter indicating so.
- ☒ A detainer has been filed against this subject in your favor charging CAPIAS, BURGLARY FIRST DEGREE (2 COUNTS), POSSESSION OF A FIREARM DURING THE COMMISSION OF A FELON, CONSPIRACY 2ND DEGREE, THEFT, CRIMINAL IMPERSONATION (2 COUNTS), CRIMINAL MISCHIEF, RESISTING ARREST, and ESCAPE 3RD DEGREE. Release is tentatively scheduled for 08-12-2005, however, we will notify you no later than 60 days prior to actual release. To check on an inmate's location, you may call our National Locator Center at: 202-307-3126 or check our BOP Inmate Locator Website at www.bop.gov.
- ☐ Enclosed is your detainer warrant. Your detainer against the above named has been removed in compliance with your request.
- ☐ Your detainer warrant has been removed on the basis of the attached _____. Notify this office immediately if you do not concur with this action.
- ☐ Your letter dated _____ requests notification prior to the release of the above named prisoner. Our records have been noted. Tentative release date at this time is _____.
- ☐ I am returning your _____ on the above named inmate who was committed to this institution on _____ to serve _____ for the offense of _____. If you wish your _____ filed as a detainer, please return it to us with a cover letter stating your desire to have it placed as a hold or indicate you have no further interest in the subject.

Sincerely,

Dale Rupert, Inmate Systems Manager

/s/

Vickie Brown

Legal Instruments Examiner

Original - Addressee, Copy - Judgment & Commitment File; Copy - Inmate; Copy - Central File (Section 1); Copy - Correctional Services Department

(This form may be replicated via WP)

(Replaces BP-394(58) dtd MAR 2003)

Exhibit # 3



M. JANE BRADY
ATTORNEY GENERAL

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

NEW CASTLE COUNTY
Carvel State Building
820 N. French Street
Wilmington, DE 19801
Criminal Division (302) 577-8500
Fax: (302) 577-2496
Civil Division (302) 577-8400
Fax: (302) 577-6630
TTY: (302) 577-5783

KENT COUNTY
102 West Water Street
Dover, DE 19904
Criminal Division (302) 739-4211
Fax: (302) 739-6727
Civil Division (302) 739-7641
Fax: (302) 739-7652
TTY: (302) 739-1545

SUSSEX COUNTY
114 E. Market Street
Georgetown, DE 19947
(302) 856-5352
Fax: (302) 856-5369
TTY: (302) 856-2500

July 19, 2004

PLEASE REPLY TO : New Castle County

USP Lee
Attn: Records
P. O. Box 900
Jonesville, VA 24263

RE: Tyrone Pringle
DOB: 02/04/1977

The above subject in your custody is wanted in the State of Delaware for a New Castle County Superior Court capias, OCA #U702008137.

Enclosed you will find a certified copy of our warrant to lodge as a detainer. The State of Delaware will extradite from your jurisdiction. Also enclosed you will find a charge summary inquiry sheet and photo of the above subject for your review.

If additional information is required, please contact me at (302) 577-8386. Thank you for your assistance in this matter.

Very truly yours,

Ronald Mullin
Chief State Detective

RM/mam
Enclosures

THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY
NEW CASTLE COUNTY SUPERIOR COURT

CERTIFIED AS A TRUE COPY
ATTEST: SHARON AGNEW
PROTHONOTARY
BY Christina Heide

1M TYRONE PRINGLE
SBI# 485541 UNIT B-Bldg. C-14
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977



OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
844 N. KING ST. LOCK BOX 18
WILMINGTON, DELAWARE
19801-3570

LEGAL MAIL

